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Promotion and protection of the rights of children: promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report highlights a number of critical themes and emerging issues of concern, such as the effects of terrorism and counter-terrorism measures on children, rampant sexual violence against girls and boys in situations of armed conflict, the special vulnerabilities of children and families displaced within States, the urgent need for education for children in emergency situations, and the need to ensure avenues for the meaningful contribution of children and youth to national processes. Addressing such diverse concerns represents a significant challenge for Member States, as well as United Nations actors and civil society organizations.

The report also focuses on mainstreaming the issue of children and armed conflict in United Nations system-wide activities and within United Nations entities as a central strategy to ensure the practical application of standards and norms for the protection of children. Significant progress has been made in mainstreaming this issue in the United Nations system, particularly in the peace and security sector. Yet overall, the progress made remains fragile and must be further consolidated and institutionalized.

The report offers a number of recommendations to address some of the emerging issues of concern for children and to promote the fundamental and consistent integration of children and armed conflict concerns in United Nations institutions, policies and programmes.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/141, in which the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to it and to the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda. This is the twelfth report submitted to the Assembly since the establishment of the mandate of the Special Representative in Assembly resolution 51/77.

2. Significant advances have been made on the agenda for children and armed conflict in the past decade. Nonetheless, grave violations against children in conflict situations continue to be committed by both State and non-State parties to the conflict. This is all the more disturbing given the fact that comprehensive and robust normative frameworks are in place for their protection. The practical application of universal standards of protection and care for children remains the central challenge of the international community, national authorities and United Nations entities and their partners.

3. The first part of the present report (section II) outlines the priority issues and emerging concerns related to children affected by armed conflict. The second part (section III) examines the progress that has been made in mainstreaming the issue of children and armed conflict within the United Nations system as a critical element of a more comprehensive and concerted response to this problem. The third part (section IV) of the report highlights some of the main commitments emerging from the field visits of the Special Representative during the reporting period.

II. Critical themes and emerging issues of concern

4. The following issues highlight the growing concerns of the child protection community over the past year as events unfolded in different situations of armed conflict around the world.

A. The changing nature of conflict

5. In the past decade, a number of United Nations reports, including the study by Graca Machel on the impact of armed conflict on children (A/51/306 and Add.1) and its review report (see A/62/228), have noted with concern the fact that the character and tactics of war are changing. These changes have created new and unprecedented threats to children. In many of the new wars, especially in Asia and Africa, conflict remains internal and takes place in peripheral areas where access is difficult. In particular, children and other vulnerable segments of the civilian population are increasingly becoming the direct targets of violence. In addition to thousands of children being killed and wounded as a direct result of fighting, many more children in conflict contexts die from malnutrition and disease. Other fundamental rights, such as education and recreation, are also being denied children in situations of armed conflict.

6. The Machel study also underscored the emerging concerns of "asset wars", where economic interests commercialize and prolong conflict. The misuse of natural

resources, such as timber, coltan and diamonds, or the scarcity of resources, such as water, fuel conflict in many situations of concern. Such conflicts often become self-perpetuating and protracted, and intensify the vulnerability of children.

Terrorism and counter-terrorism

7. In other parts of the world, conflict is defined in the context of terrorism and counter-terrorism measures. In a number of situations, children are increasingly being used to perpetrate terrorist attacks on civilians and civilian locations. Children are being recruited and trained as suicide bombers, in blatant violation of international law, and used as human shields or decoys in suicide car bombings, or to transport improvised explosive devices. As a result, counter-terrorism measures greatly affect children, including through arrest and detention of children for reasons such as alleged participation in terrorist activities or other forms of association with terrorist groups. Legal and practical safeguards, such as regular and independent monitoring of detention centres, have often been disregarded. Many of these children are detained for extended periods of time and without due process provisions, in violation of international standards of juvenile justice. Sometimes these children are incarcerated for relatively minor offences such as stone-throwing or demonstrating. In detention, they sometimes suffer beatings and physical and psychological torture. Precision aerial bombardment and other types of military operation also result in what is termed "collateral damage" where children are often the victims.

Diversity of armed groups

8. The character of armed actors involved in contemporary conflicts is increasingly difficult to define. The array of labels for parties to conflict, such as government forces, armed political opposition forces, rebel groups or liberation movements, community-level auto-defence militias, paramilitary and proxy forces, illegal armed groups and criminal gangs reflect their diverse motivations and character. Their objectives and organizational structures are more fluid than ever. And quite often there is a grey area, where political motivations coincide with criminal intent.

9. It is clear, however, that in many situations of concern armed actors, regardless of their character or motivations, are systematically perpetrating grave violations, including recruiting and using children, killing and maiming them, committing rape and other sexual violence against them, and abducting them. For the children suffering such violations, the precise definition of the nature of the perpetrators is irrelevant. Therefore, it is of paramount importance that the protection agenda does not become paralysed in the process of defining and categorizing armed groups. The emphasis must remain on the violations being committed against children, critical remedial measures and the accountability of perpetrators.

B. The root causes of child soldiering

10. While international norms are increasingly being implemented to combat the recruitment and use of children in armed conflict, more attention is also being directed towards studying the root causes of child soldiering and devising effective prevention programmes.

11. Children are often abducted and forced into association with armed groups, but sometimes they appear to join willingly. Poverty, illiteracy and discrimination, as well as a lack of formal education and livelihood opportunities, are some of the drivers of "voluntary" recruitment. Protection, survival, desire for revenge or a sense of belonging due to loss of home and family members also sometimes compel children to join armed groups. For some, the lack of legitimate avenues for political dissent and participation or ideologies of nationalism or ethnic identity become powerful motivating factors.

12. Children are considered an economically efficient alternative to adult combatants. They are easily indoctrinated, manipulated and influenced by heroic notions of masculinity and power. The length of a conflict, the proximity of refugee camps or internally displaced persons' settlements to conflict zones, the failed reintegration of children and the impunity of those who recruit and use children are additional contributing factors.

13. However, in spite of the multiple push and pull factors that may exist, ultimately it is the decision of individual commanders to recruit children. Therefore, ensuring that violators are held accountable carries a critical deterrent effect. Concerted emphasis must be maintained on fighting the impunity of perpetrators. In addition, the reasons underlying the motivations of children themselves for engaging in armed conflict should be analysed in greater detail, taking into consideration the socio-economic contexts that shape and constrain their lives, and the political-security environment that conditions their responses.

C. Accountability for acts committed by children during armed conflict

14. Based on the current practice of ad hoc tribunals, the Special Court for Sierra Leone and the International Criminal Court, there is an emerging consensus that children below the age of 18 should not be prosecuted for war crimes and crimes against humanity by international courts.

15. International law recognizes the need to provide children with special protection because of their particular vulnerability, and considers children's immaturity if they commit offences during armed conflict. In addition, international law prohibits the imposition of the death penalty for any offences committed by children under the age of 18 years. Children should be considered primarily as victims, and decisions to prosecute a child or not must be guided by the principle of their best interests, bearing in mind the child's emotional, mental and intellectual maturity, the extent of their moral culpability and the possibility of alternative accountability and reconciliation mechanisms focusing on their rehabilitation. If a child is to be tried in any jurisdiction for crimes, their treatment should adhere to international human rights standards specific to the rights of the child, in particular with regard to the age of criminal responsibility, fair trials, sentencing and detention. Similarly, national courts trying children for international crimes must also uphold their rights in accordance with international standards for juvenile justice.

D. Sexual violence against girls and boys

16. Widespread and systematic rape and sexual violence against girls is increasingly a characteristic of conflict. Such violations are often perpetrated in a rule of law vacuum as a result of conflict, and there often exists a prevailing culture of impunity for such crimes. In many cases, the data on incidents, magnitude and scope of sexual violence is unreliable or non-existent due to deep cultural taboos surrounding such crimes, fear of reprisal of victims and their families and a range of other factors. Precise information, critical for combating impunity and for programmatic response, is difficult to obtain or verify. Sexual violence appears to be especially prevalent in and around refugee camps and settlements for internally displaced populations.

17. Although cases of sexual violence against boys are sometimes reported, insufficient attention is paid to this particular dimension, and such violations remain largely undocumented. Some research indicates that boys are especially vulnerable to sexual violence during military operations in civilian areas or during military conscription or abduction into paramilitary forces. They are also especially vulnerable in refugee and internally displaced settings and in detention.

18. Emphasis must be placed on fighting impunity for rape and other sexual violence through rigorous and systematic investigation and prosecution of such crimes at the national level and an increased focus on this problem by international justice mechanisms. At the national level, comprehensive initiatives to address the issue of sexual violence are required, and national ownership of such programmes is critical. Donors, the United Nations system and non-governmental organizations should accord priority to providing technical and financial support to national authorities for the preparation and implementation of national strategies to address sexual violence.

E. Child protection dialogue with non-State actors

19. The cessation of violations against children in situations of armed conflict and the provision of programmes for victims depends in large part on the establishment of a child protection dialogue with State and non-State parties to conflict. It is critical that Governments, where necessary, facilitate such dialogue between non-State actors and the United Nations, without prejudice to the political and legal status of such groups. Notwithstanding the sensitivity of some Governments to dialogue with non-State actors, the child protection imperative should supersede political considerations. Collectively, we should be guided by a principle of "exceptional consideration for children" as the most vulnerable segment of the population that deserves unconditional protection.

F. Internally displaced children

20. A priority area for advocacy and action should be the plight of internally displaced children, who face particular vulnerabilities in the context of fleeing from conflict, as they are exposed to acute danger in terms of their physical security. They are often at risk of separation from their families and are vulnerable to trafficking, as well as sexual and other forms of grave abuse, and they lack access to

food, health services and education. The recruitment of children into armed groups continues to be a pressing issue for displaced families and communities. Children separated from their families during displacement are especially at risk of being recruited by armed groups. A protracted displacement situation, extended stays in camps, the proximity of camps to conflict zones and, in some cases, the infiltration of armed elements into settlements and their presence there places children at a heightened risk of recruitment. Some of the key remedial priorities include the creation of registration systems for separated and unaccompanied children and an emphasis on family tracing and reunification programmes. Special attention must also be given to the care and protection of children with critical medical conditions or disabilities. In addition, children formerly associated with armed groups should be granted legal protection and access to timely rehabilitation and reintegration programmes. In line with the Guiding Principles on Internal Displacement, the Special Representative has outlined the fundamental rights and guarantees for internally displaced children, appended as annex I to the present report. Advocacy and programming around these basic elements should be made a priority and further enhanced.

G. Availability of small arms and the effect of cluster munitions and landmines

21. It is increasingly recognized that the availability of small arms and light weapons exacerbates the impact of conflict on children. In his thematic Report on small arms to the Security Council (S/2008/258), the Secretary-General noted that the vast majority of direct conflict deaths were attributable to the use of small arms and that civilian populations — increasingly also children — bore the brunt of armed conflict more than ever.

22. Governments must ensure stricter control over the use of conventional arms and work towards concluding an arms trade treaty that establishes effective, accountable and transparent systems for all international weapons transfers. This will help to ensure that arms and ammunition are not transferred to countries where children are known to be, or may potentially be, recruited or used in hostilities. The Machel study and review report focus attention on the impact of small arms and light weapons, landmines and unexploded ordnance, and stress the obligation of States to protect children in this regard. A more robust protection framework is required that includes stronger legislation and programmatic response to address the causes of the proliferation of small arms and light weapons and its effects on children.

23. In his report on small arms, the Secretary-General recommends that the Peacebuilding Commission, the Office for Disarmament Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict increase cooperation in addressing the full spectrum of impacts of small arms and light weapons on children.

H. Education in emergencies

24. Protecting schools and providing education in emergency and conflict contexts should remain an utmost priority for the international community. Increasingly,

students, teachers and education infrastructures are being deliberately targeted. In some situations, the fear of being attacked on their way to school or at school deprives girls of their basic right to learn and shape their future. In other places, schools are used as recruiting grounds and entire classes have been abducted to be used as child combatants.

25. Under international humanitarian law, attacks on schools are designated as a grave human rights violation. Such attacks are also one of the six grave violations against children in armed conflict that are being monitored and reported to the Security Council. Enhancing accountability mechanisms for such crimes is key to ensuring that schools remain safe havens and zones of peace. Education is also a central tool for conflict prevention and post-conflict recovery. Addressing education in peace agreements and in their implementation is a fundamental step towards reinforcing security, gender equality and economic development.

I. Child participation

26. The Machel study and review report emphasized the need to ensure that children have a right to be heard in determining the policies and programmes of which they are the primary beneficiaries. It is essential to invest in infrastructure that facilitates this right, such as children's parliaments and grass-roots associations. The durability of peace in the longer term also depends on giving children and youth opportunities to express their perspectives and concerns in peace processes, post-conflict recovery and development priority-setting. Child participation should also be ensured in transitional justice mechanisms.

III. Mainstreaming the issue of children and armed conflict in United Nations system institutions, entities, policies and programmes

27. The Special Representative has emphasized the priority of shifting collective emphasis from the development of protection norms and standards, which are comprehensive and robust due to the concerted efforts made by the international community over several years, to their practical application and implementation on the ground. The General Assembly and the Security Council have led the way in enabling more concerted action by the United Nations system as a whole on children affected by armed conflict.

28. In a practical sense, the establishment of mechanisms for more systematic and targeted monitoring and reporting of grave violations represents a critical element in this regard. This must be complemented by more consistent mainstreaming of children and armed conflict issues into the priorities and programmes of key entities and processes within the United Nations and beyond.

29. Within the United Nations system, significant policy and operational gains have begun to take hold within institutions and in key institutional processes of the United Nations. These gains remain fragile, however, and could dissipate unless they are further consolidated and institutionalized.

30. Four key criteria may be used by the United Nations system to gauge and ensure internal mainstreaming within relevant institutions:

(a) Commitment to and promotion of children and armed conflict concerns by senior management;

(b) Integration of children and armed conflict concerns into policies, strategic plans and programmes;

(c) Adequacy of in-house knowledge, expertise and training, to inform policies, strategies and day-to-day operations;

(d) Allocation of adequate resources to ensure the above.

31. In order to better determine how and where to focus energies and resources and ensure more effective collaboration, all relevant United Nations entities must periodically assess progress against benchmarks, including the ones highlighted above.

A. Integration of children and armed conflict as a key priority of the General Assembly and the Security Council

32. The General Assembly has consistently emphasized the issue of children and armed conflict since the release of the study by Graca Machel in 1996 on the impact of armed conflict on children. In direct response to key recommendations in the study, the Assembly mandated, through resolution 51/77 on the rights of the child, the appointment of a Special Representative on the impact of armed conflict on children as the United Nations system focal point on the issue, to foster international cooperation and ensure a more concerted and coordinated response to the issue of children and armed conflict. The Assembly has consistently renewed the mandate of the Special Representative since 1997, thereby acting as the principal enabler of a concerted United Nations children and armed conflict agenda. The annual omnibus resolution on the rights of the child of the General Assembly has included a specific section on children and armed conflict since 1997.

33. The Security Council formally placed the issue of children affected by armed conflict on its agenda through resolution 1261 (1999), signalling that violations against children in situations of armed conflict constitute a legitimate threat to international peace and security. Since 1999, the Security Council has adopted six further resolutions on this issue: 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009).

34. Through these resolutions, the Security Council has increasingly operationalized its engagement on children in situations of armed conflict, including by mandating the Secretary-General to list parties to conflict who commit grave violations against children, instituting a mechanism to monitor and report on such violations, and establishing a dedicated Working Group on Children and Armed Conflict, consisting of all members of the Council, to review information emanating from the monitoring mechanism and to recommend remedial measures to the Council. In its latest resolution, 1882 (2009), the Council designated the killing and maiming of children, as well as rape and other sexual violence, as critical priorities and has called on parties to armed conflict to prepare and implement action plans to address these violations. In the new resolution, the Council also calls for enhanced

communication and information-sharing between its Working Group on Children and Armed Conflict and relevant Security Council sanctions committees as a step towards targeted measures against persistent perpetrators.

35. Beyond its thematic resolutions on children and armed conflict, the Security Council continues to incorporate child protection mandates in its country-specific resolutions. The Council has also stipulated the inclusion of a specific section on child protection in all country-specific reports to the Council. Since 2003, the number of reports of the Secretary-General that have incorporated substantive references to the protection of children has significantly increased.

B. United Nations executive coordination mechanisms

36. The executive coordination mechanisms of the United Nations are important forums for advocating efforts to mainstream the issue of children and armed conflict in the United Nations system. The Special Representative continues to consistently raise pertinent issues on the children and armed conflict agenda in the Senior Management Group, the Policy Committee, the Executive Committee on Peace and Security and the Executive Committee on Humanitarian Affairs.

37. It is critical that specific concerns related to children and armed conflict are more consistently reflected, in particular in the Policy Committee briefing papers prepared by various United Nations departments and in the decisions of the Policy Committee, which are based on these documents.

C. Progress made in the integration of the protection and rights of children affected by armed conflict into peace processes and peace agreements

38. The Security Council resolutions on children and armed conflict cited above call on all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes and peace agreements, including, where appropriate, provisions relating to the release and reintegration of children associated with armed forces or armed groups. Since 2000, child rights and protection provisions have been incorporated into numerous agreements, accords and declarations. Some of the major themes articulated in these agreements include provisions to end the recruitment and use of children by armed forces or armed groups and ensure their immediate release and reintegration, to combat sexual violence and to address child detention and special provisions for internally displaced children. Annex II to the present report lists the peace agreements since 2000 that have explicitly included concerns related to children affected by armed conflict.

39. It is important to examine the future role that United Nations mediators, negotiators and heads of missions may play in addressing child protection issues during peace negotiations and in peace agreements as a way of ensuring that this critical issue is carried forward as a priority into the post-conflict peace consolidation and peacebuilding phases.

D. Integration of children and armed conflict into United Nations peacekeeping operations

40. The Department of Peacekeeping Operations has significantly expanded the incorporation of children's issues into peacekeeping operations, including child rights and protection in training for peacekeepers and the deployment of child protection expertise in peacekeeping missions. There are currently over 60 child protection advisers and officers in seven peacekeeping missions, whose role includes ensuring that all components of peacekeeping operations adopt a child-conscious approach in their work and that these concerns are addressed in the overall strategy of the mission. Child protection advisers of the Department also monitor the situation of children in armed conflict, including monitoring and reporting on grave violations under Security Council resolutions 1612 (2005) and 1882 (2009), engaging in dialogue with parties to conflict to develop action plans to end the recruitment and use of children by armed forces or armed groups and other child rights violations, and advocating on politically sensitive issues, thereby supporting operational partners who may be unable to do so at the risk of jeopardizing their programmes on the ground.

41. The Department of Peacekeeping Operations and the United Nations Children's Fund (UNICEF) co-chair the country task forces on monitoring and reporting in 7 of the 15 countries implementing the monitoring and reporting mechanism, which are the main forums for the preparation of the country reports of the Secretary-General on children and armed conflict and follow-up of Security Council conclusions.

Department of Peacekeeping Operations/Department of Field Support child protection policy directive

42. On 1 June 2009, the Department of Peacekeeping Operations, jointly with the Department of Field Support, adopted the child protection policy directive of 1 June 2009 on mainstreaming the protection, rights and well-being of children affected by armed conflict within United Nations peacekeeping operations. The policy further institutionalizes the role and responsibility of the Department of Peacekeeping Operations to protect children pursuant to Security Council resolutions. It also defines partnerships and coordination with other United Nations child protection actors on the ground. The main priorities specified in the policy derive from specific provisions of Council resolutions on children and armed conflict, namely: (a) monitoring and reporting on grave child rights violations; (b) establishing child protection dialogue with parties to conflict to obtain explicit commitments to address violations; (c) provision of training for all peacekeeping personnel; and (d) mainstreaming of children and armed conflict concerns in the work of the military, police and civilian components of peacekeeping operations.

Progress made in the provision of training for United Nations peacekeeping personnel in international law relevant to children

43. In accordance with Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005), systematic training is conducted for all peacekeeping military, police and civilian personnel and training units on child rights and protection. The training focuses on the impact of armed conflict on children and the applicable international legal norms and standards for

their protection. Training also focuses on monitoring and reporting of grave violations to ensure that the United Nations system is better able to leverage the extensive presence of military, police and civilian peacekeeping personnel for monitoring purposes.

44. Given the large numbers of peacekeeping personnel and their continual rotation every six months particularly of military and police components, the provision of systematic training represents one of the most resource-intensive activities of peacekeeping child protection units. In some situations child protection advisers have sought to establish training partnerships with non-governmental organizations, such as Save the Children, who have competency and a proven track record in providing child rights and protection training to military personnel. Such partnerships carry great potential to more effectively fulfil the Council's request as regards training, but thus far such initiatives have been largely ad hoc.

45. It is anticipated that the adoption of the Department of Peacekeeping Operations child protection policy will provide a foundation for building on existing experience in peacekeeper training and developing more consistent practices in this regard. A number of Governments have expressed their commitment to supporting the implementation of the Department's child protection policy, particularly as it relates to training priorities.

E. Internal mainstreaming in key United Nations entities

46. Member States have called on all relevant United Nations entities to take specific measures to ensure the systematic mainstreaming of children and armed conflict issues within their respective institutions, offices and departments and on the ground, and to enhance, within their respective mandates, their cooperation and coordination when addressing the protection of children in armed conflict. Over the past several years, the agenda for children and armed conflict has been strengthened through a more coordinated and collaborative effort between United Nations entities and their partners.

47. As the mandated lead agency of the United Nations for children, UNICEF has in recent years made significant investments at headquarters and regional and country levels to systematically mainstream children and armed conflict issues into programme strategies and responses, build capacity with government and child protection partners and advocate for children's rights. UNICEF has deepened its capacity at headquarters to focus on the development of policies and systems for child protection in emergencies, including support for the following areas: prevention of recruitment; release and reintegration of children associated with armed forces and groups; unaccompanied and separated minors; sexual and gender-based violence; landmines and small arms; psychosocial support in emergencies; inter-agency child protection information management system; global coordination of child protection (lead) and gender-based violence (co-lead with the United Nations Population Fund) under the protection cluster; related training and capacity-building of partners; and the monitoring and reporting mechanism.

48. UNICEF and the Office of the Special Representative co-chair the Steering Committee on monitoring and reporting and provide technical support and guidance to the countries implementing the mechanism, as well as other conflict-affected countries. At the country level, UNICEF co-chairs the country task forces on

monitoring and reporting in all 15 of the countries implementing the mechanism and works with partners to monitor, report and respond to grave violations against children, including engaging Governments and non-State parties to the conflict in the development, implementation and follow-up of action plans and other initiatives to enhance accountability for, prevention of, and responses to violations. In most countries affected by armed conflict, UNICEF has gradually dedicated human, financial and material resources towards the issue of children and armed conflict and to develop national governmental capacity.

49. The field presences of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and its deployment of human rights monitors to peacekeeping missions is an important contribution to the monitoring and reporting of violations against children. OHCHR has played a critical role in monitoring and reporting on grave violations against children in its Uganda and Nepal operations, for instance. OHCHR also continues to encourage the mainstreaming of child rights issues into the work of human rights mechanisms, including the recent universal periodic review of the Human Rights Council, and treaty bodies such as the Committee on the Rights of the Child, as well as special procedures. In recent years, several treaty bodies and special procedures have devoted specific attention to children affected by armed conflict. OHCHR is currently developing a policy tool on the establishment of national commissions of inquiry for the investigation of serious and gross human rights violations, including violations of the rights of children during conflict and post-conflict and in peacetime. Since the entry into force in 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the number of ratifications by Member States has increased to 128 countries.

50. The Office of the United Nations High Commissioner for Refugees (UNHCR) has played a major role in drawing attention to the needs and acute vulnerabilities of refugee and internally displaced children. UNHCR has recently developed and rolled out an age, gender and diversity mainstreaming strategy, which includes provisions for mainstreaming the protection and rights of children into UNHCR programmes and prevention and response measures. Child-specific indicators, such as on child recruitment, are now included in the UNHCR standards and indicators reporting tools. UNHCR has also strengthened its child protection capacity through the deployment of child protection officers to some of its operations on the ground. UNHCR is currently finalizing a guidance document on Security Council resolution 1612 (2005) and the monitoring and reporting mechanism, with a particular focus on the role of UNHCR in the mechanism at both the country and headquarters level.

51. The International Labour Organization (ILO), primarily through its International Programme on the Elimination of Child Labour, works to facilitate the socio-economic reintegration of former child soldiers, as well as the prevention of the recruitment of children. In recent years, ILO and its key stakeholders, including Governments and employer and worker organizations have implemented an interregional project to prevent the recruitment of children as soldiers and support the reintegration of former child soldiers in Burundi, Colombia, Congo, the Democratic Republic of the Congo, Rwanda, the Philippines and Sri Lanka. ILO is currently co-chairing the United Nations sub-group on reintegration, which is responsible for addressing the reintegration needs of children formerly associated with armed forces and groups. In 2008, ILO allocated additional human and financial resources to develop methods and tools to address the specific violation of

children involved in the worst forms of child labour in conflict and post-conflict situations.

52. The Department of Political Affairs has developed, with the Office of the Special Representative, specific guidance on child protection for United Nations mediators, which has been included in its "UN Peacemaker" database. The Department has also recently revised its operational guidance note on disarmament, demobilization and reintegration to integrate the consideration of children and armed conflict issues that facilitate or impede peace processes, and identified the release of children as a factor that promotes confidence between parties to conflict in its guidance on confidence-building measures. The Department's newly established United Nations mediation focal point system also seeks to ensure that children and armed conflict issues are taken into account early in the strategic thinking and planning stages of a peace process.

53. Some efforts have also been made by special political missions of the Department of Political Affairs to incorporate the protection of children and armed conflict into all aspects of their missions and mandates. The United Nations Assistance Mission for Iraq established a multi-agency protection sector outcome team which, together with the Government of Iraq, has developed initiatives for child protection capacity-building in communities, legislative reform, advocacy and strengthening protection and justice for detained children in Iraq. In December 2008, the Office of the United Nations Special Coordinator for Lebanon established a coordination group that aims to develop a comprehensive strategy on the protection and rights of children affected by armed conflict in Lebanon, and determine how best to use the political advocacy of the Special Coordinator for Lebanon to advance issues related to children and armed conflict. The United Nations Political Office for Somalia is currently developing its human rights work and is committed to ensuring that child rights issues are integrated into the overall work of the mission. Child protection advisers have been incorporated into the United Nations Mission in Nepal and are monitoring and reporting on grave violations and advocating for the rights and needs of children in the peace process and for their release and reintegration. There remain, however, a number of critical situations of concern for children in United Nations political missions that have not yet incorporated child protection advisers, including the mission in Somalia.

54. Other United Nations entities with an important role to play in the protection of children affected by armed conflict include the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs, the United Nations Development Fund for Women (UNIFEM), UNFPA, the Office for Disarmament Affairs and the Peacebuilding Commission. These entities should also continue to reinforce their efforts to mainstream concerns relating to children and armed conflict into their policies, priorities and programmes.

F. Integration of the issue of children and armed conflict into key United Nations-led institutional processes

55. Because they suffer disproportionately in situations of conflict, children deserve special consideration in programmes for rehabilitation and poverty alleviation, and in social inclusion strategies, humanitarian appeals and other funding frameworks. In particular, priority attention should be given to ensure that

concerns relating to children and armed conflict are more consistently and explicitly reflected in four such United Nations-led institutional processes: (a) the consolidated appeals process; (b) the poverty reduction strategy paper process; (c) the common country assessment-United Nations Development Assistance Framework; and (d) the United Nations Peacebuilding Fund.

56. The Special Representative has recommended that inter-agency consultations, including with field-level representatives, be conducted to generate consensus and recommendations on actions to be undertaken for the systematic integration of issues relating to children and armed conflict into these frameworks.

IV. Field visits by the Special Representative

57. Visits by the Special Representative to situations of concern remain a central element of the advocacy strategy of the Office. Through such visits, the Special Representative makes a first-hand assessment of the situation of children; engages in dialogue with national authorities and non-State parties to gain specific commitments to address grave child rights violations; and facilitates more effective cooperation among all stakeholders, including United Nations actors, national authorities, donors and the diplomatic community, non-governmental organizations and other representatives of civil society. The visits are often framed by the recommendations of the reports of the Secretary-General on children and armed conflict and the formal conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict adopted on the basis of those reports.

58. Such visits bring high-level visibility to the plight of children affected by armed conflict and have generated specific commitments by State and non-State parties to address violations. Where appropriate, the visits also serve as an opportunity to highlight national child protection efforts. As an independent moral voice for children, it is critical for the Special Representative to engage in dialogue with both national actors and non-State parties, without prejudice to their political or legal status.

59. Some of the main results from these visits include: (a) implementation of the monitoring and reporting mechanism; (b) designation of focal points within Government infrastructures to coordinate issues related to children and armed conflict, such as the rehabilitation and reintegration of children associated with armed groups and forces; (c) agreement on modalities of access by child protection actors to military camps, training facilities and detention centres for monitoring and verification of compliance; (d) commitments for the release of children associated with armed forces and groups and the release of children detained for alleged association with armed groups; (e) inclusion of child protection provisions in peace agreements; and (f) strengthened coordination and collaboration of United Nations partners and other stakeholders on the ground around issues related to children and armed conflict.

60. During the reporting period, the Special Representative carried out field missions to Chad and the Central African Republic (May 2008), Nepal and the Philippines (December 2008), the occupied Palestinian territory and Israel (February 2009) and the Democratic Republic of Congo (April 2009). Some of the key commitments received from Governments and other parties to conflict during these

missions are highlighted below. The critical challenge is to ensure the timely implementation of the commitments that have been made, which is the responsibility of United Nations partners with an operational mandate and a presence on the ground.

A. Chad and the Central African Republic

61. During her mission to the Central African Republic, the Special Representative engaged in discussions with the Armée populaire pour la restauration de la République et de la démocratie (APRD), securing their commitment to release all children associated with their forces. On 7 July 2009, the APRD followed through with their commitment and released all 182 children, between the ages of 10 and 17, to UNICEF. Almost all of these children have been reunited with their families.

62. The Government of Chad committed to allow United Nations teams to verify of detention centres, training camps and military facilities; release as a matter of priority children associated with armed groups held in detention; and establish an inter-ministerial task force to coordinate and ensure the effective reintegration of children.

B. Nepal

63. In follow-up to previous commitments made by the Government of Nepal, the Special Representative undertook a mission to cement the release of the children identified among the Maoist forces by the United Nations verification teams. During her visit, the then Prime Minister of Nepal, Pushpa Kamal Dahal, committed to the release of 2,973 children from the Maoist New People's Army cantonments by the end of February 2009.

64. Although the United Nations has actively advocated and engaged with the Government of Nepal in follow-up to this and previous commitments of the Government of Nepal, the agreed release is still pending.

C. Philippines

65. Following the interaction between the Special Representative and the leadership of the Moro Islamic Liberation Front (MILF) during her visit to the Philippines, MILF committed to negotiate an action plan with the United Nations to halt the recruitment and use of children and to ensure their separation and subsequent return to civilian life. The action plan was completed and signed by the United Nations country team in the Philippines and MILF leadership on 31 July 2009. The Government of the Philippines welcomed the action plan.

66. The Special Representative also interacted with the Government of the Philippines on the issue of action against those members of the Philippines security forces allegedly responsible for grave violations against children and welcomed the Government's nomination of high-level focal points within the Armed Forces of the Philippines to address these issues.

D. Democratic Republic of the Congo

67. The Government and the high command of the Forces armées de la République démocratique du Congo (FARDC) committed to entering into dialogue with the United Nations for the preparation of a time-bound action plan for the prevention of child recruitment and the identification and release of those children already present in integrated FARDC brigades. They also committed to ensuring further efforts to combat impunity for grave violations, including through more rigorous investigation and prosecution and by ensuring that perpetrators do not escape justice.

68. The FARDC high command agreed to facilitate the access of United Nations actors to the rapid integration process of rebel groups and the National Army in the East and the South to ensure the identification and release of children.

69. The Government also committed to creating specialized units of the National Police to address crimes of sexual violence against women and children, and to ensure national ownership and lead the implementation of a comprehensive national strategy on sexual violence.

V. Recommendations

70. **All relevant United Nations offices, departments and agencies should take specific measures to ensure the mainstreaming of children and armed conflict issues within their respective institutions, policies and activities, and should undertake periodic assessments of progress in this regard. They should also designate focal points at the senior level, and ensure allocation of adequate financial and human resources for priorities relating to children and armed conflict at headquarters and on the ground.**

71. **Member States should ensure that specific provisions for the protection of children continue to be included in the mandates of all United Nations peacekeeping operations, political missions and peacebuilding missions. The relevant United Nations departments should ensure that child protection personnel are deployed where such missions are established, and that mission planning and technical assessment exercises routinely include child protection expertise.**

72. **The recently adopted child protection policy directive represents a crucial step towards institutionalizing the role and responsibilities of United Nations peacekeeping operations in terms of child protection. Member States are encouraged to give priority to supporting the Departments in implementing the policy.**

73. **Member States are urged to ensure that children and armed conflict concerns are consistently reflected in peace processes and peace agreements so that this issue is carried forward as a priority into the post-conflict peace consolidation and peacebuilding phases. Relevant United Nations departments should ensure that mediators, negotiators and heads of mission receive adequate guidance in this regard.**

74. **In spite of the heinous crimes that characterize terrorist action, Member States are urged to ensure that any measures taken to combat terrorism are consistent with the obligations of States under international law.**

75. **Member States should ensure that children who, under international law, are accused of crimes allegedly committed while they were associated with armed forces or groups are considered primarily as victims, and that they are treated in accordance with international law and other relevant standards on juvenile justice, and within a framework of restorative justice and social rehabilitation. Neither capital punishment nor life imprisonment without the possibility of release should be imposed for offences committed by persons under 18 years of age. The detention of children should be used as a last resort and for the shortest possible period of time.**

76. **Contact between the United Nations and non-State parties for dialogue towards the implementation of specific commitments to protect and release children should be encouraged in the best interest of the children involved.**

77. **Member States and relevant United Nations entities should give priority to education as an integral aspect of emergency and humanitarian planning and assistance.**

78. **Member States are encouraged to implement the "Rights and guarantees for internally displaced children", as outlined in Annex I.**

79. **National authorities in situations of concern are urged to develop and implement comprehensive national strategies to address sexual violence against children. Such strategies may include concerted awareness-raising campaigns; training and capacity-building at the national and community levels for enhanced protection and victim assistance; and rigorous and timely investigation and prosecution of crimes of sexual violence.**

80. **Member States are encouraged to foster opportunities for the participation of children and young people in peace processes and injustice, truth and reconciliation processes. Emphasis should be placed on support for child and youth organizations, centres, networks and activities, secondary and tertiary education, livelihood schemes and leadership opportunities.**

Annex I

Rights and guarantees for internally displaced children*

Internally displaced children:

(a) Enjoy the same rights and freedoms as those not displaced in their country. Children shall not subject to discrimination as a result of their displacement, regardless of whether or not they are living in camps;

(b) Have the right to relevant documentation. Competent authorities shall issue internally displaced children all documents necessary for the full enjoyment and exercise of their legal rights;

(c) Have the right to be reunited with their family. Every effort must be made to reunite separated children with their immediate family or relatives, failing which they may be placed with foster families. Siblings are to remain together and institutional care is to be avoided;

(d) Have the right to life, dignity and physical, mental and moral integrity;

(e) Shall be guaranteed physical security and the provision of safe places;

(f) Shall be guaranteed that they will be neither recruited nor used nor required nor permitted to take part in hostilities;

(g) Have the right to protection against sexual and gender-based violence by the creation of adequate protective measures to prevent those violations, regardless of whether or not they are living in camps. Mechanisms should be put in place to ensure that procedures are in place to ensure accountability once violations occur and that effective programmes exist for the care of the victim;

(h) Have the right to an adequate standard of living. Competent authorities shall provide internally displaced children with, and ensure safe access to, essential medical services and sanitation, basic shelter, essential food supplies, potable water and appropriate clothing, both during and after armed conflict;

(i) Have the right to education, free and compulsory primary education and the provision of secondary education whenever possible, as education offers a degree of normalcy and stability. Best efforts are to be made to ensure the full and equal participation of boys and girls in educational programmes. Education should be made available both during and after conflict. Education should be an important part of emergency response;

(j) Shall be guaranteed long-term psychosocial and physical recovery and reintegration programmes at the community level to meet their intellectual and emotional needs and to ensure their overall well-being, both during and after armed conflict;

(k) Shall be guaranteed that preventive measures will be taken to protect them from trafficking, forced labour, forced prostitution, sexual exploitation, forced early marriage and illegal adoption;

* Developed by the Special Representative for Children and Armed Conflict as an advocacy tool consistent with the Guiding Principles on Internal Displacement.

(l) Have the right to durable solutions, including the right to return, to integrate at the place of displacement or to resettle elsewhere in the country. Durable solutions must be voluntary, safe and dignified;

(m) Have the right to freedom of movement with their families, including from and within camps;

(n) Have the right to manifest their religion or beliefs with their families and to freely participate in the cultural life of the community;

Furthermore:

(o) Child participation shall be promoted in devising local strategies for recovery and reintegration;

(p) The principle of "the best interest of the child" shall be a primary consideration in all actions concerning children.

Annex II

Peace processes and peace agreements that reflect children and armed conflict concerns:

(a) Agreement on Disarmament, Demobilization and Reintegration between the Government of Uganda and the Lord's Resistance Army/Movement of 29 February 2008;

(b) Acte d'engagement for North Kivu between several armed groups in North Kivu of 23 January 2008;

(c) Acte d'engagement for South Kivu between several armed groups in South Kivu of 23 January 2008;

(d) Pact on Security, Stability and Development in the Great Lakes Region among 11 countries of the Great Lakes Region of 15 December 2006;

(e) Agreement on Monitoring of the Management of Arms and Armies, signed in Nepal on 8 December 2006;

(f) Comprehensive Peace Accord between the Government of Nepal and the Maoist Communist Party of Nepal on 21 November 2006;

(g) Comprehensive Ceasefire Agreement between the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération (Palipehutu-FNL) of 7 September 2006;

(h) Darfur Peace Agreement between the Government of the Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement of 5 May 2006;

(i) Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur between the Government of the Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement of 5 July 2005;

(j) Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities during the Pre-Interim and Interim Periods between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) of 31 December 2004;

(k) Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region among all countries in the Great Lakes region of 20 November 2004;

(l) Protocol on Power Sharing between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) of 26 May 2004;

(m) Transitional Federal Charter of the Somali Republic of February 2004;

(n) Peace Agreement between the Government of Liberia, Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties of 18 August 2003;

(o) Comprehensive ceasefire agreement between the Forces armées nationales de Côte d'Ivoire (FANCI) and the Forces nouvelles of 3 May 2003;

(p) Inter-Congolese negotiations (Sun City agreement) of 2 April 2003;

(q) Ceasefire agreement between the Transitional Government of Burundi and the Conseil national pour la défense de la democratie — Forces pour la défense de la démocratie of 2 December 2002;

(r) Nuba Mountains Ceasefire Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Nuba of 19 January 2002;

(s) Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000.